
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT G. LUSTYIK, JR., and
JOHANNES W. THALER,

Defendants.

ORDER

Case No. 2:12-CR-645-TC

Judge Tena Campbell

On June 6, 2014, Defendants Robert G. Lustyik and Johannes W. Thaler filed a document with the Court Information Security Officer (CISO) that purported to provide notice pursuant to Section 5(a) of the Classified Information Procedures Act (CIPA) of the classified information that they intend to disclose, or cause to be disclosed, at trial.

In response, the United States of America filed a sealed motion on June 20, 2014 seeking relief pursuant to Section 5(b) of the Classified Information Procedures Act (CIPA). (See Docket No. 693.) The government argued that the Defendants failed to provide appropriate notice of the classified information that they seek to disclose, or cause to be disclosed, at trial.

The court ordered expedited briefing from the Defendants, who filed their sealed response on June 25, 2014. (See Docket Nos. 697 and 701.)

After carefully reviewing the parties' arguments, as well as the Defendants' June 6, 2014 Section 5(a) filing, the court finds that the Defendants' Section 5(a) filing was not sufficient. It did not fulfill CIPA's Section 5(a) notice requirements.

Defendants have until July 11, 2014 to file an amended CIPA Section 5(a) notice of the classified information that they intend to disclose, or cause to be disclosed, at trial.

If Defendants do not comply with the notice requirements of Section 5(a), the court will consider imposing the sanctions outlined in Section 5(b).

SO ORDERED this 26th day of June, 2014.

BY THE COURT:



Tena Campbell
United States District Judge

United States District Court
for the
District of Utah
June 26, 2014

*****MAILING CERTIFICATE OF THE CLERK*****

RE: USA v. Robert G. Lustyik & Johannes W. Thaler
2:12-cr-00645-TC-DBP

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